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Arizona Corporation Commission

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Commissioner Tobin
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

JUL 31 2017

DOCKETED BY

**RE: Joint Response to July 14, 2017 Letter/APS Docket No.'s E-01345A-16-0036
& E-01345A-16-0123**

Dear Commissioner Tobin:

Arizona Public Service (APS) and Energy Freedom Coalition of America (EFCA) have been working with other signatories to the Cooperation Agreement in an effort to respond to your July 14, 2017 letter.

As you point out in your letter, the parties to the Cooperation Agreement agreed that the contract is to be strictly confidential. Because confidentiality is a term of the agreement itself, making the agreement public requires a formal amendment to the Cooperation Agreement. The Cooperation Agreement, like most contracts, cannot be amended unless all the parties to the agreement agree to the terms of an amendment. In the absence of such a unanimously approved amendment, all parties to the Cooperation Agreement are contractually bound to continue to support the agreement in its current form. As a result, we are reporting to you that the parties to the Cooperation Agreement were not able to amend the Cooperation Agreement and the parties therefore are obligated to support the continuation of the confidentiality provisions.

Finally, EFCA and APS wish to explain that maintaining confidentiality of the Cooperation Agreement is important to the integrity of the agreement itself. While APS and EFCA are prohibited from commenting directly on the Agreement, we wish to advise that continued confidentiality helps ensure that third-parties that are not signatories to the agreement cannot take actions that would frustrate or circumvent the Cooperation Agreement, thereby undermining its value.

Sincerely,

Court S. Rich
Attorney for Energy Freedom Coalition of America

Thomas A. Loquvam
Attorney for Arizona Public Service Company